



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Lappetelainen

Attorney Docket No.: 944-001.040

Application No.: 09/722,604

Group No.: 2665

Filed: November 27, 2000

Examiner: Man U. Phan

**For: ADAPTIVE TRANSMISSION CHANNEL ALLOCATION METHOD AND  
SYSTEM FOR ISM AND UNLICENSED FREQUENCY BANDS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NON-FINAL OFFICE ACTION**

Sir:

At sections 2-4 of the Non-Final Office Action mailed April 29, 2005, claims 1-23 are provisional rejected under the judicially created doctrine of double patenting over claims 1-19 of U.S. Patent No. 6,760,317.

Applicant submits herein a terminal disclaimer to overcome this provisional double patenting rejection.

Respectfully submitted,

Kenneth Q. Lao  
Attorney for the Applicant  
Registration No. 40,061

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955

---

I hereby certify that this correspondence is being deposited today,  
September 28, 2005, with the United States Postal Service with  
sufficient postage as first-class mail in an envelope addressed to:  
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

  
Cathy Sturmer